



## DECLARATION - USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled METHOD OF NONINVASIVELY OBTAINING INTRADUCTAL FLUID; the specification of which was filed on **February 8, 2002** as Application Serial No. **10/072,539**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S.A. Application(s)

Application No.: **09/870,402**

Filing Date: **May 30, 2001**

Status: **Pending**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Kevin B. Morton**

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Residence: 25836 Cordillera Drive, Mission Viejo, CA 92691

Citizenship: United States

Post Office Address: **same as above**

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Full name of second inventor: **Rex O. Bare**

Inventor's signature

Date

Residence: 22467 Overlake Drive, Lake Forest, CA 92630

Citizenship: United States

Post Office Address: **same as above**

Full name of third inventor: **Jeffrey C. Smith**

Inventor's signature

Date

Residence: 123½ 43<sup>rd</sup> St., Newport Beach, CA 92663

Citizenship: United States

Post Office Address: **same as above**

Full name of fourth inventor: **Timothy J. Payne**

Inventor's signature

Date

Residence: 2605 N. Baker St., Santa Ana, CA 92706

Citizenship: United Kingdom

Post Office Address: **same as above**

Full name of fifth inventor: **Paul Gleason**

Inventor's signature Paul Gleason

Date May 23, 2002

Residence: 14 Gaeta, Laguna Niguel, CA 92677

Citizenship: United States

Post Office Address: **same as above**

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Send Correspondence To:  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
**Customer No. 20,995**

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043002

Application No.: 10/072,539  
Filing Date: February 8, 2002

PATENT  
Client Code: NEOMTRX.4C1DV3  
Page 1

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ASSIGNMENT

WHEREAS, We, Kevin B. Morton, a United States citizen, residing at 25836 Cordillera Drive, Mission Viejo, CA 92691; Rex O. Bare, a United States citizen, residing at 22467 Overlake Drive, Lake Forest, CA 92630; Jeffrey C. Smith, a United States citizen, residing at 123 1/2 43<sup>rd</sup> St., Newport Beach, CA 92663; Timothy J. Payne, a United Kingdom citizen, residing at 2605 N. Baker St., Santa Ana, CA 92706; and Paul Gleason, a United States citizen, residing at 14 Gaeta, Laguna Niguel, CA 92677, have invented certain new and useful improvements in a METHOD OF NONINVASIVELY OBTAINING INTRADUCTAL FLUID for which we have filed an application for Letters Patent in the United States, Application No. 10/072,539, filed February 8, 2002;

AND WHEREAS, Neomatrix, LLC (hereinafter "ASSIGNEE"), a California Corporation, with its principal place of business at 16 Technology Drive, Suite 116, Irvine, CA 92618, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 24<sup>th</sup> day of May, 2002.

  
Kevin B. Morton

STATE OF

California

COUNTY OF

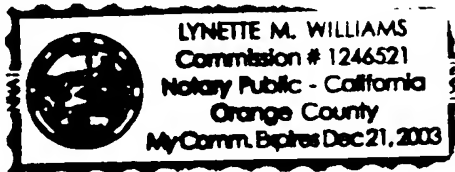
Orange

ss.

On 5.24.02, before me, Lynette Williams, personally appeared Kevin B. Morton personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



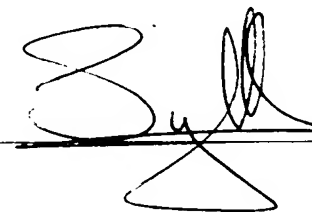
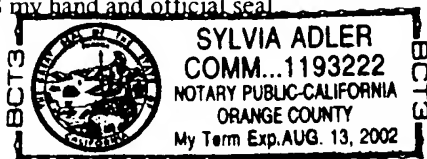
  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 23<sup>rd</sup> day of May, 2002  
Rex O. BareSTATE OF CaliforniaCOUNTY OF Orange ss.

On May 23, 2002 before me, Sylvia Adler, personally appeared Rex O. Bare ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

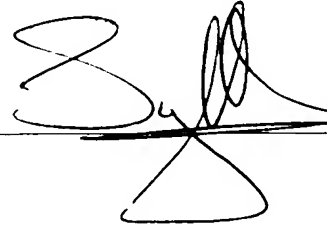
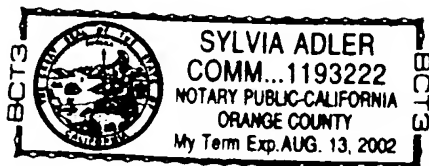
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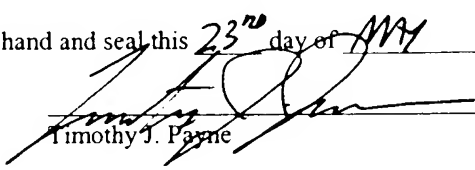
  
Notary SignatureIN TESTIMONY WHEREOF, I hereunto set my hand and seal this 23<sup>rd</sup> day of May, 2002STATE OF CaliforniaCOUNTY OF Orange ss.

On May 23, 2002, before me, Sylvia Adler, personally appeared Jeffrey C. Smith ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

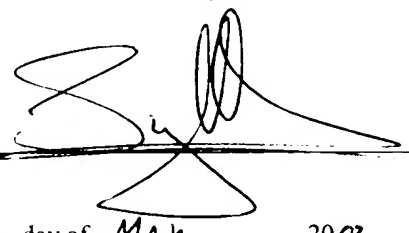
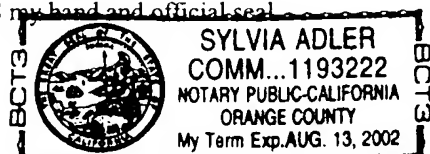
  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 23<sup>rd</sup> day of MAY, 2002  
Timothy J. PayneSTATE OF California  
COUNTY OF Orange ss.

On May 23, 2002 before me, Sylvia Adler, personally appeared Timothy J. Payne personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

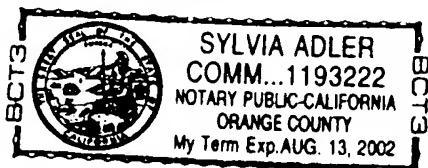
[SEAL]

  
Notary SignatureIN TESTIMONY WHEREOF, I hereunto set my hand and seal this 23 day of MAY, 2002  
Paul GleasonSTATE OF California  
COUNTY OF Orange ss.

On May 23, 2002 before me, Sylvia Adler, personally appeared Paul Gleason personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

  
Notary Signature